

KENTUCKY BOARD OF DENTISTRY

LAW ENFORCEMENT COMMITTEE MEETING

February 7, 2007

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Babcock to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Dew seconded the motion. Both were in favor. A motion was made by Dr. Babcock to come out of closed session. Dr. Dew seconded the motion. Both were in favor. A motion to adjourn was made by Dr. Dew. Dr. Babcock seconded the motion. The committee meeting adjourned at 4:00 p.m.

LAW ENFORCEMENT COMMITTEE MEETING

March 9, 2006

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Dew to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Babcock seconded the motion. Both were in favor. A motion was made by Dr. Dew to come out of closed session. Dr. Babcock seconded the motion. Both were in favor. A motion to adjourn was made by Dr. Babcock. Dr. Dew seconded the motion. The committee meeting adjourned at 5:00 p.m.

BOARD MEETING

March 17, 2007

CALL TO ORDER: President David Narramore, D.M.D. called the meeting to order at 9:00 a.m.

Roll Call: Present Board members were David Narramore, D.M.D.; William Dew, D.M.D.; Jim Allen, D.M.D.; Chris Babcock, D.M.D., M.D.; Dianne Embry, R.D.H.; Hank Sleet, D.M.D., M.D.; Julie Gaskill D.D.S.; and Laura Justice, D.M.D. Staff present were Eric T. Clark, Executive Director; Lisa A. Turner, Executive Staff Advisor; Sylvester Gurnell, Licensing Specialist; and Mark Brengelman, Board Attorney.

Visitors

Brian Fingerson R.Ph.; Robert Andrus, D.D.S.; Dr. Kenneth Knott, D.D.S.; Todd Cruise; and representatives of the Kentucky Dental Hygienists' Association: Amelia Buell R.D.H. (President of Kentucky Dental Hygienists Association), Mandy Sweeten R.D.H. (President of Louisville Dental Hygienists Association); and Carla Gantz R.D.H. (President-Elect of KDHA).

Approval of Minutes

Dr. Babcock motioned that the Minutes of the January 13, 2007 Board Meeting be accepted. Dr. Sleet seconded the motion. All were in favor.

Director's Report

Mr. Gurnell provided the final statistics of the 2007-2008 license renewals for dental hygienists and labs, as well as the status of the dental hygienist continuing education audit.

Mr. Brengelman reported on his attendance at the Southern Dean's Conference. He reported that there is a proposed requirement from various states that a Continuing Education presenter disclose any financial interest in the product which is the subject of the course.

Mr. Clark reminded the Board about the 2007 AADE Mid-Year Meeting in Chicago.

Mr. Clark noted that Senate Bill 105 passed each chamber of the state legislature and is awaiting the Governor's signature. The bill updates the dental hygiene disciplinary statutes to include private admonishments, probation, and reprimand. Also, SB 26, which relates to operation of a dental practice where the sole proprietor has deceased or become

incapacitated, passed each chamber of the state legislature and is awaiting the Governor's signature. SB98, which authorizes the Department for Medicaid Services to create a new form for dentists who wish to participate in the Medicaid program, also passed each chamber of the state legislature and is awaiting the Governor's signature.

Dr. Allen motioned to adopt the draft of the Board's 2007 election process. Dr. Gaskill seconded the motion. All were in favor.

Mr. Clark stated that Doug Ferguson, Board Consumer Member, tendered his resignation effective March 16, 2007.

Mr. Clark reviewed the agency budget through the first three quarters of fiscal year 2007.

COMMITTEE REPORTS

Credentials Committee

Dr. Dew motioned that a dental hygiene license be issued to Mary Titus, R.D.H. and Margaret Yocum, R.D.H. Dr. Babcock seconded the motion. All were in favor.

Dr. Babcock motioned to go into closed session pursuant to KRS 61.810(1)(j) to discuss the adjudication of an individual license – pending applications for a dental license by credentials. Dianne Embry seconded the motion. All were in favor.

Dr. Sleet motioned to come out of closed session and Dr. Gaskill seconded the motion. All were in favor.

Dr. Justice motioned that a dental license be issued to John Perel, D.M.D. Dr. Babcock seconded the motion. All were in favor.

On behalf of the Credentials Committee, Dr. Justice stated a request for more information before recommending the granting of licensure on the applications of Dr. Steven Jacks and Dr. Mario Montanez. Ward Piepgrass, D.D.S. did not qualify for Licensure by Credentials and is encouraged to reapply for Licensure by Exam upon successful completion of a regional clinical examination.

Law Enforcement Committee

03-81 Dr. Babcock motioned to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

03-145 Dr. Justice motioned to file suit to recapture costs associated with the judicial appeal against Dr. Cheryl Freeman-Jackson. Dr. Gaskill seconded the motion. All were in favor.

05-26 Dr. Allen motioned to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

05-119 Dr. Babcock motioned to file a Notice of Administrative Hearing and Order. Dr. Gaskill seconded the motion. All were in favor.

06-33 Dr. Babcock motioned to file a Notice of Administrative Hearing and Order. Dr. Gaskill seconded the motion. All were in favor.

06-34 Dr. Allen motioned to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

06-43 Dianne Embry motioned to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

06-101 Dr. Babcock motioned that a Private Admonishment be issued. Dr. Gaskill seconded the motion. All were in favor.

06-102 Dr. Babcock motioned to give the Executive Director and Board Counsel settlement authority and to expedite setting a hearing date based on the Notice of Administrative Hearing previously filed. Dr. Gaskill seconded the motion. All were in favor.

06-116, 06-117, 06-120, 06-121, 06-124 and 07-10, 07-21 Dr. Babcock motioned to file a Notice of Administrative Hearing and Order and to have settlement agreement authority. Dr. Gaskill seconded the motion. All were in favor.

07-00 Dr. Allen motioned to accept the Settlement Agreement. Dr. Gaskill seconded the motion. All were in favor.

07-01 Dr. Babcock motioned to file a Notice of Administrative Hearing and Order and to have settlement agreement authority. Dr. Allen seconded the motion. All were in favor.

07-11 Dr. Babcock motioned that the case be closed for insufficient evidence. Dr. Gaskill seconded the motion. All were in favor.

07-23 Dr. Babcock motioned that a Private Admonishment be issued. Dr. Sleet seconded the motion. All were in favor.

Drs. Babcock and Dew recused and did not vote on any matter before the Law Enforcement Committee.

Well Being Committee

Brian Fingerson presented the Well Being Committee Report to the Board. There was discussion regarding the possibility of Brian Fingerson becoming adjunct faculty at University of Louisville School of Dentistry and University of Kentucky College of Dentistry in a similar capacity to what the Well Being Committee offers to Kentucky licensees.

Newsletter Committee

Dianne Embry motioned to accept the draft of the 2007 Spring Newsletter. Dr. Dew seconded the motion. All were in favor.

Old Business

Robert Andrus, D.D.S. and Kenneth Knott, D.D.S. addressed the Board upon invitation and discussed their possible practice plans in Kentucky as it relates to their pending applications for a license by credentials pursuant to KRS 313.045(3). The Board concluded that more research is required before granting their applications for Licensure by Credentials.

06-47 Upon review of the letter from Dr. Doug Clark for another extension to accumulate continuing education, Dr. Babcock file a Notice of Administrative Hearing and Order because he is allegedly in violation of his Settlement Agreement. Dr. Justice seconded the motion. All were in favor.

New Business

Dianne Embry motioned to grant hygiene anesthesia certification to Holly Jenkins, R.D.H., pending receipt of her completed application with fee and submission of proof of completion of three anesthesia continuing education courses, which shall be in addition to the obligation to comply with Continuing Education requirements of 201 KAR 8:140. Dr. Gaskill seconded the motion. All were in favor.

Dianne Embry motioned to amend the February 2, 2007 Board Opinion and Declaratory Ruling to require dental assistants to have certification in coronal polishing before applying whitening agents. Dr. Babcock seconded the motion. All were in favor.

Dr. Babcock agreed to participate in the CODA evaluation at the University of Louisville on March 18 and 20, 2008.

Dr. David Cash requested by letter that the Board interpret the definition of “practicing dentistry” under KRS 313.010(2) to be that general dentists may place dermal fillers as part of a cosmetic procedure of the oral cavity and adjacent associated structures. The Board appointed a subcommittee to include Dr. Narramore, Eric Clark, Dr. Justice, and Dr. Babcock, who will amend the previous Board Ruling dated July 21, 2000.

There being no further business, Dr. Dew motioned to adjourn at 1:50 p.m. Dianne Embry seconded the motion. All were in favor.

APPROVED:

David Narramore, D.M.D.
President

Bill Dew, D.M.D.
Vice President